

evaluating, by a trusted license evaluator of the DRM system, the rights description; and

allowing rendering of the digital content by the rendering application only if such rendering is in accordance with the rights description of the license.

REMARKS

Claims 1-14, 17-43, 46, -67, 70-95, 98-117, 120-135, and 138-142 are pending in the present application. All claims stand rejected. Claims 15, 16, 44, 45, 68, 69, 96, 97, 118, 119, 136, and 137 have been canceled; claim 1 has been amended to include the subject matter of now-canceled claims 15 and 16, claim 30 has been amended to include the subject matter of now-canceled claims 44 and 45, claim 56 has been amended to include the subject matter of now-canceled claims 68 and 69, claim 83 has been amended to include the subject matter of now-canceled claims 96 and 97, claim 106 has been amended to include the subject matter of now-canceled claims 118 and 119, and claim 126 has been amended to include the subject matter of now-canceled claims 136 and 137; and claims 17, 21, 23, 25, 46, 49, 50, 51, 70, 74, 76, 78, 98, 100, 101, 102, 120, 124, 125, 138, 140, and 141 have been amended to adjust dependencies, as appropriate. Applicants respectfully submit that no new matter has been added to the application by the amendment.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-14, 17-43, 46, -67, 70-95, 98-117, 120-135, and 138-142.

The Examiner has rejected claim 106 under 35 USC § 112, second paragraph, for the reason that such claim is indefinite. Applicants respectfully traverse the § 112, second paragraph rejection.

According to the Examiner, claim 106 is indefinite because such claim after reciting 'determining, by the DRM system, whether a right to render the digital content in the manner sought exists based on the at least one stored digital license corresponding to the digital content', does not recite what happens next. However, Applicants respectfully respond that the Examiner's inquiry is improper in that it is based not on what is claimed but what is not claimed. In particular, Applicants are not under any obligation to recite every aspect of an invention in a claim, but instead only those aspects that contribute to patentability. Thus, what happens after the determination is made is not believed by the Applicants to be especially relevant to the patentability of claim 106, and at any rate may be performed in any of several ways that are or should be known to the relevant public.

Accordingly, Applicants respectfully submit that claim 106 is not indefinite under section 112, second paragraph. Thus, Applicants respectfully request reconsideration and withdrawal of the § 112, second paragraph rejection.

The Examiner has rejected claims 106-117 and 120-125 under 35 USC § 101 and/or § 112, second paragraph for the reason that such claims recite an article of

manufacture that performs a method. In particular, Applicants respectfully note that the rejection is under a header stating § 101 but that the rejection body ambiguously cites to and is couched primarily in terms of § 112, second paragraph. Applicants respectfully traverse the rejection.

Applicants respectfully submit that the rejection at least under § 101 is *prima facie* improper in that the Examiner has failed to specifically apply the Examination Guidelines for Computer-Related Inventions, or at least has not applied such Guidelines in any coherent manner.

Independent claim 106 recites a computer-readable medium having stored thereon computer-executable instructions for implementing a method for enforcing rights in protected digital content. Claim 106 further recites that in such method, digital content distributed from a content server is received, and at least one digital license issued from a license server is received and stored. The at least one digital license corresponds to and is separate from the digital content. In response to attempting to render the digital content on a rendering application in a particular manner, a Digital Rights Management (DRM) system is invoked, and the DRM system determines whether a right to render the digital content in the manner sought exists based on the at least one stored digital license corresponding to the digital content.

Applicants respectfully point out that according to the Guidelines, claim 106 and dependent claims 107-117 and 120-125 are in fact statutory subject matter under Section 101. In particular, claims 106-117 and 120-125 recite a series of steps

that are or can be performed on a computer (Box 8 of the Guidelines flowchart).

Accordingly, the issue according to Box 12 of the guidelines flowchart is whether the recited process performs independent physical acts OR whether the recited process manipulates data representing physical objects or activities to achieve a practical application. Although Applicants can argue that the answer here is yes, Applicants instead choose to presume for the sake of argument that the answer is no, and therefore proceed to Box 13, where the issue becomes whether the recited process merely manipulates abstract idea or solves a purely mathematical problem without any limitation to a practical application.

Applicants respectfully submit that the answer to Box 13 is no, and that therefore the recited process is statutory subject matter (Box 14). In particular, Applicants argue that the recited process does not merely manipulate an abstract idea or solve a purely mathematical problem. Instead, the process solves a very real and very practical problem: whether to render digital content based on a corresponding digital license. Moreover, Applicants respectfully submit that it is beyond argument that the solution to such practical problem as represented by the recited process in claim 106 represents a practical application.

In fact, providing a digital license to render digital content that exists in an encrypted rights-protected form represents a huge application to which the employer of the Applicants (and Assignee of the present application) has expended tremendous amounts of research and capital on. Briefly, being able to perform such licensing in a

trusted manner is the cornerstone of being able to distribute encrypted digital content, including but not limited to selling digital audio content and digital multimedia content to consumers. Accordingly, and again, Applicants respectfully submit that the process recited in claims 106-117 and 120-125 does not merely manipulate an abstract idea or solve a purely mathematical problem without any limitation to a practical application, and that therefore such claims 106-117 and 120-125 in fact recite statutory subject matter according to the Examination Guidelines for Computer-Related Inventions.

Further, Applicants respectfully submit that claims 106-117 and 120-125 are of the form of computer-readable medium claims that recite a product (the computer-readable medium) as having computer-executable instructions thereon, where the instructions are for performing a method. The form of such computer-readable medium claims is well-known and has been in use for many years now, and has specifically been ruled as an appropriate format for a patent claim, at least by In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995).

Moreover, according to at least MPEP 2173.05(p), a claim that recites a product in terms of method steps, such as a product-by-process claim, which is a product claim that defines the claimed product in terms of the process by which it is made, is proper. Significantly, 2173.05(p) allows that a claim to a device, apparatus, manufacture, or composition of matter may contain a reference to a process without being objectionable under 35 U.S.C. 112, second paragraph, so long as it is clear that the claim is directed to the product and not the process. By the same rationale, a

computer-readable medium claim that recites a product in terms of the method steps performed by instructions on the product should also be proper as long as it is clear that the claim is directed to the medium and not the method steps¹. Applicants respectfully submit that claims 106-125 are clear in this regard.

Accordingly, and for all of the aforementioned reasons, Applicants respectfully submit that claims 106-117 and 120-125 do in fact recite patentable subject matter under section 101 and do in fact particularly point out and distinctly claim the subject matter of the present application under section 112, second paragraph. Thus, Applicants respectfully request reconsideration and withdrawal of the § 101 / § 112, second paragraph rejection.

The Examiner has specifically rejected claims 56-67 and 70-82 of the present application under 35 USC § 103(a) as being obvious over Krishnan (U.S. Patent No. 6,073,124) in view of Stefik (U.S. Patent No. 5,715,403) in view of Rabne et al. (U.S. Patent No. 6,006,332), and further in view of Shear et al. (U.S. Patent No. 6,112,181) and 'the Official Notice', and by implication has also rejected claims 1-16, 19-43, 44-55, 83-95, 98-117, 120-135, and 138-142. Applicants respectfully traverse the § 103(a) rejection of such claims.

Applicants respectfully submit that since the Examiner has not specifically addressed claims 1-16, 19-43, 44-55, 83-95, 98-117, 120-135, and 138-142, except by implication, Applicants limit their remarks in response to the § 103(a) rejection to claims

¹ Even though the medium is defined according to the method steps embodied in the instructions thereon.

56-67 and 70-82, except insofar as the remarks may be extended to any of the other claims by implication. Otherwise, such comments could be unnecessarily construed as creating prosecution history estoppel with regard to such other claims.

Independent claim 56 recites an enforcement architecture for digital rights management, where the architecture enforces rights in protected digital content. In the architecture, a content server, a license server and a computing device are all communicatively coupled to a network. The content server distributes digital content over the network, and the license server issues at least one digital license over the network. Importantly, the issued digital license corresponds to and is separate from the digital content.

The computing device of claim 56 receives the digital content and any digital license corresponding to the digital content. The computing device has a memory for storing the digital license corresponding to the digital content, and a rendering application for attempting to render the digital content. The computing device also has a digital rights management (DRM) system for being invoked by the rendering application upon the rendering application attempting to render the digital content. The DRM system determines whether a right to render the digital content in the manner sought exists based on any digital license stored in the computing device, where such digital license corresponds to the digital content.

As amended, claim 56 also recites that the license server issues a digital license to a DRM system only if the license server trusts such DRM system to abide by

the license, that the content server distributes the digital content in an encrypted form, and that the DRM system includes a trusted black box for performing decryption and encryption functions for such DRM system.

The Krishnan reference discloses a system for facilitating digital commerce wherein a client obtains content from a content server and then obtains an electronic license certificate (ELC) or license from a licensing broker / server. However, and significantly, the Krishnan reference does not at all disclose or suggest that such license is issued to a DRM system in the client, as is required by claim 56, or that such issuance occurs only if the licensing server trusts such a DRM system to abide by the license, as is also required by claim 56. Further, inasmuch as the Krishnan reference discloses no specific component in the client that can be called a DRM system, such Krishnan reference cannot disclose that such DRM system include a trusted black box for performing decryption and encryption functions for such DRM system, as is further required by claim 56. Instead, the Krishnan reference only discloses that the Krishnan license is delivered to the Krishnan client, and that some sort of code associated with either a content player or the content performs licensing functions (column 17, line 28-column 18, line 35, Fig. 9). The Krishnan reference is absolutely silent with regard to the Krishnan licensing server establishing a basis for trusting such code, and is also absolutely silent with regard to whether the code performs any cryptographic functions.

The Stefik reference discloses a system for controlling use and distribution of digital works. The system is exemplified by multiple repositories wherein

the digital works are stored and accessed from such repositories, and are transferred only between such repositories. Each repository is a trusted system and can operate in a requestor mode for requesting a digital work from another repository and a server mode for responding to a request from another repository. Usage rights (i.e., license terms) are attached to digital works in the Stefik system, and both the work and its attached rights are transmitted from a serving repository (at a content provider, e.g.) to a requesting repository (at a client, e.g.).

However, and as with the Krishnan reference, the Stefik reference does not disclose any license server issuing a digital license to a DRM system for a corresponding piece of digital content only if the license server trusts such DRM system to abide by the license, as is required by claim 56. Instead, in the Stefik reference, each repository only exchanges content with an attached license other repositories, and does not issue licenses to other repositories, let alone to a DRM system at a client as with the present invention. Further, the Stefik reference is entirely silent with regard to any repository distributing digital content to a DRM system that includes a trusted black box for performing decryption and encryption functions for such DRM system, as is required by claim 56.

With regard to the Rabne and Shear references and the taking of the Official Notice, Applicants have carefully reviewed the Section 103 rejection as it pertains to claim 56 and now-canceled claims 68 and 69 and can find no instance where such Rabne and Shear references and such taking of the Official Notice are

actually applied against such claims 56, 68, or 69. In particular, Applicants are not aware that the Examiner has provided any analysis of such Rabne or Shear references and such Official Notice as they may be applied to independent claim 56 and now-canceled dependent claims 68 and 69 as may be helpful to the Applicants in clearly understanding the rejection of claims 56-67 and 70-82 based thereon. Accordingly, Applicants need not address such Rabne and Shear references and such taking of the Official Notice, at least with regard to such claims 56, 68, or 69.

Applicants note with regard to claims 68 and 69 as well as many other claims that the Examiner has taken the position that subject matter recited in such claims is 'notoriously well-known' in the computer-related arts. Applicants respectfully submit that such a statement amounts to an argument that such subject matter is inherent in a computer system. With regard to "inherent", then, Applicants direct the Examiner's attention to MPEP 2112, where it is discussed that a rejection based on inherency is proper under Section 102 only and not under Section 103.

Moreover, MPEP 2112 makes it clear that inherency can be applied to establish anticipation only when it is clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency may not be established by probabilities or possibilities, or by mere wishful thinking. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. Thus, Applicants respectfully request that the Examiner support each instance where subject matter

recited in a claims is asserted to be 'notoriously well-known' in the computer-related arts with extrinsic evidence supporting such assertion. Otherwise, Applicants respectfully request that the Examiner withdraw such assertion.

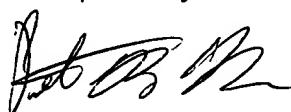
Applicants respectfully submit that based on all of the above reasons, the Examiner has not clearly set forth a prima facie rationale to support the rejection of independent claim 56 or any claims depending therefrom including claims 57-67 and 70-82 as being obvious over the Krishnan reference in view of the Stefik reference and the Rabne reference, and further in view of the Shear reference and 'the Official Notice', and by implication has also not clearly set forth a prima facie rationale to support the rejection of claims 1-16, 19-43, 44-55, 83-95, 98-117, 120-135, and 138-142. Further, Applicants respectfully submit that at any rate such claims are not in fact obvious based on such references. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection.

Applicants note that in the conclusion to the Office Action at page 20, the Examiner states at item 18 that some non-defined claims are perceived to be duplicative. However, the Examiner does not in fact reject any of the claims based on such a rationale. Applicants respectfully decline to substantively respond to such statement unless and until the Examiner in fact rejects such non-defined claims based on such rationale. Further, Applicants would remind the Examiner that piecemeal examination of the application is strongly discouraged under MPEP 707.07(g).

In view of the foregoing amendment and discussion, Applicant respectfully submits that the present application, including claims 1-14, 17-43, 46, -67, 70-95, 98-117, 120-135, and 138-142, is in condition for allowance, and such action is respectfully requested. Should the Examiner disagree, Applicants respectfully request that the Examiner telephone the undersigned at the number below to arrange an in-person interview with the Examiner and the Examiner's supervisor to discuss the present Office Action.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,

 (PETER M. ULLMAN)
(reg. no. 43,963)
[for Steven H. Meyer]
Steven H. Meyer
Registration No. 37,189

Date: April 17, 2003

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100

VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the Claims:

Claims 15, 16, 44, 45, 68, 69, 96, 97, 118, 119, 136, and 137 have been cancelled.

Please amend claims 1, 17, 21, 23, 25, 30, 46, 49, 50, 51, 56, 70, 74, 76, 78, 83, 98, 100, 101, 102, 106, 120, 124, 125, 126, 138, 140, and 141, as follows:

1. (Once Amended) An enforcement architecture for digital rights management, wherein the architecture enforces rights in protected digital content, the architecture comprising:

a content server for distributing the digital content;

a license server for issuing at least one digital license corresponding to and separate from the digital content; and

a computing device for receiving the distributed digital content and for receiving and storing any digital license corresponding to the digital content, the computing device having:

a rendering application for rendering the digital content; and

a Digital Rights Management (DRM) system for being invoked by the rendering application upon such rendering application attempting to

render the digital content, the DRM system for determining whether a right to render the digital content in the manner sought exists based on any digital license stored in the computing device and corresponding to the digital content,

B1
Cont'd

wherein the license server issues a digital license to the DRM system only if the license server trusts such DRM system to abide by the license, and wherein the content server distributes the digital content in an encrypted form, and wherein the DRM system includes a trusted black box for performing decryption and encryption functions for such DRM system.

B2

17. (Once Amended) The architecture of claim [16,] 1, wherein the black box includes a unique public / private key pair for performing the decryption and encryption functions.

B3

21. (Once Amended) The architecture of claim [16,] 1, wherein the black box includes a version number.

B4

23. (Once Amended) The architecture of claim [16,] 1, wherein the black box includes a certifying authority signature as provided by an approved certifying authority.

B5

25. (Once Amended) The architecture of claim [15,] 1, wherein each

B6
Cont'd

digital license corresponding to the digital content includes a description of the rights conferred by the license, and wherein the DRM system includes a trusted license evaluator for evaluating the rights description and allowing rendering of the digital content by the rendering application only if such rendering is in accordance with the rights description of the license.

30. (Once Amended) A method for implementing digital rights management, wherein the method enforces rights in protected digital content, the method comprising:

distributing the digital content from a content server to a computing device of a user;

receiving the distributed digital content at the computing device;
attempting to render the digital content by way of a rendering application;

invoking, by the rendering application, a Digital Rights Management (DRM) system upon such rendering application attempting to render the digital content;

determining, by the DRM system, whether a right to render the digital content in the manner sought exists based on any digital license stored in the computing device and corresponding to the digital content; and

if the right does not exist:

requesting from a license server a digital license that provides such right and that corresponds to and is separate from the digital content; issuing, by the license server, the digital license to the DRM system;

receiving, by the computing device, the issued digital license corresponding to the digital content from the license server; and

storing the received digital license on the computing device,
wherein the issuing step comprises issuing, by the license server,
the digital license to the DRM system only if the license server trusts such DRM system
to abide by the license, and

wherein the distributing step comprises distributing, by the content
server, the digital content in an encrypted form, and further comprising employing a
trusted black box in the DRM system to perform decryption and encryption functions for
such DRM system.

46. (Once Amended) The method of claim [45.] 30, wherein the black box includes a public / private key pair, and wherein the requesting a digital license step comprises including in the request the black box public key, and further comprising encrypting, by the license server, at least a portion of the digital license according to the black box public key prior to issuance of such license, thereby binding

such license to such black box.

49. (Once Amended) The method of claim [45.] 30, wherein the black box includes a version number, and wherein the requesting a digital license step comprises including in the request the version number of the black box, and further comprising:

B8
determining, by the license server, prior to issuance of the license whether the version number of the black box is acceptable; and

upon determining that the version number of the black box is not acceptable, the license server refusing to issue the license until the black box is updated, the architecture further comprising a black box server for providing an updated black box to the DRM system.

50. (Once Amended) The method of claim [45.] 30, wherein the black box includes a certifying authority signature as provided by an approved certifying authority, and wherein the requesting a digital license step comprises including the certifying authority signature, the license server determining prior to issuance of the license whether the certifying authority signature is valid.

51. (Once Amended) The method of claim [44.] 30, wherein the

issuing the digital license step comprises including with the digital license a description of the rights conferred by the license, and further comprising:

evaluating, by a trusted license evaluator of the DRM system, the rights description; and

allowing rendering of the digital content by the rendering application only if such rendering is in accordance with the rights description of the license.

56. (Once Amended) An enforcement architecture for digital rights management, wherein the architecture enforces rights in protected digital content, the architecture comprising:

a content server communicatively coupled to a network for distributing the digital content over the network;

a license server for issuing at least one digital license corresponding to and separate from the digital content, the license server being communicatively coupled to the network for issuing the at least one digital license over the network; and

a computing device communicatively coupled to the network for receiving the distributed digital content and for receiving any digital license corresponding to the digital content, the computing device also having:

a memory for storing any digital license corresponding to the

digital content;

a rendering application for attempting to render the digital content; and

a Digital Rights Management (DRM) system for being invoked by the rendering application upon such rendering application attempting to render the digital content, the DRM system for determining whether a right to render the digital content in the manner sought exists based on any digital license stored in the computing device and corresponding to the digital content;

wherein the license server issues a digital license to a DRM system only if the license server trusts such DRM system to abide by the license, and wherein the content server distributes the digital content in an encrypted form, and wherein the DRM system includes a trusted black box for performing decryption and encryption functions for such DRM system.

70. (Once Amended) The architecture of claim [69,] 56, wherein the black box includes a unique public / private key pair for performing the decryption and encryption functions.

74. (Once Amended) The architecture of claim [69,] 56, wherein the black box includes a version number.

b12
76. (Once Amended) The architecture of claim [69,] 56, wherein the black box includes a certifying authority signature as provided by an approved certifying authority.

b13
78. (Once Amended) The architecture of claim [68,] 56, wherein each digital license corresponding to the digital content includes a description of the rights conferred by the license, and wherein the DRM system includes a trusted license evaluator for evaluating the rights description and allowing rendering of the digital content by the rendering application only if such rendering is in accordance with the rights description of the license.

83. (Once Amended) An enforcement architecture for digital rights management, wherein the architecture enforces rights in protected digital content, the architecture comprising:

b14
an authoring tool for authoring the digital content in a form amenable to the architecture;

a content server for receiving the digital content from the authoring tool and distributing the digital content; and

a license server for issuing at least one digital license corresponding to and separate from the digital content, wherein a computing device receives the distributed digital content and receives and stores any digital license

corresponding to the digital content, the computing device having a rendering application for rendering the digital content; and a Digital Rights Management (DRM) system for being invoked by the rendering application upon such rendering application attempting to render the digital content, the DRM system for determining whether a right to render the digital content in the manner sought exists based on any digital license stored in the computing device and corresponding to the digital content,

B14
Contd

wherein the license server issues a digital license to a DRM system
only if the license server trusts such DRM system to abide by the license, and
wherein the content server distributes the digital content in an
encrypted form, wherein the DRM system includes a trusted black box for performing
decryption and encryption functions for such DRM system, wherein the black box
includes a unique public / private key pair for performing the decryption and encryption
functions, and wherein the license server issues each digital license in response to a
license request from the DRM system, the license request including the black box
public key, the license server encrypting at least a portion of the digital license
according to the black box public key prior to issuance of such license, thereby binding
such license to such black box.

B15

98. (Once Amended) The architecture of claim [97,] 83, wherein the content server distributes the digital content in an encrypted form, wherein each digital license corresponding to the digital content includes a decryption key that decrypts the

encrypted digital content, and wherein the license server encrypts the decryption key in the license according to the black box public key.

100. (Once Amended) The architecture of claim [97,] 83, wherein the black box includes a version number, and wherein the license server issues each digital license in response to a license request from the DRM system, the license request including the version number of the black box, the license server determining prior to issuance of the license whether the version number of the black box is acceptable, the license server upon determining that the version number of the black box is not acceptable refusing to issue the license until the black box is updated, the architecture further comprising a black box server for providing an updated black box to the DRM system.

101. (Once Amended) The architecture of claim [97,] 83, wherein the black box includes a certifying authority signature as provided by an approved certifying authority, and wherein the license server issues each digital license in response to a license request from the DRM system, the license request including the certifying authority signature, the license server determining prior to issuance of the license whether the certifying authority signature is valid.

102. (Once Amended) The architecture of claim [96,] 83, wherein

each digital license corresponding to the digital content includes a description of the rights conferred by the license, and wherein the DRM system includes a trusted license evaluator for evaluating the rights description and allowing rendering of the digital content by the rendering application only if such rendering is in accordance with the rights description of the license.

106. (Once Amended) A computer-readable medium having stored thereon computer-executable instructions for implementing a method for enforcing rights in protected digital content, the method comprising:

receiving digital content distributed from a content server;

receiving and storing at least one digital license issued from a license server, the at least one digital license corresponding to and separate from the digital content;

attempting to render the digital content on a rendering application in a particular manner;

invoking a Digital Rights Management (DRM) system upon such rendering application attempting to render the digital content; and

determining, by the DRM system, whether a right to render the digital content in the manner sought exists based on the at least one stored digital license corresponding to the digital content,

wherein the method comprises receiving and storing at least one

B17
Conf'd

digital license only if the license server trusts the DRM system to abide by the license,

and

wherein the method comprises receiving the digital content in an encrypted form, and further comprises performing decryption of the digital content by way of a trusted black box of the DRM system.

B18

120. (Once Amended) The medium of claim [119] 106 wherein the method comprises receiving the digital content in an encrypted form, and further comprises performing decryption of the digital content by way of a trusted black box of the DRM system, the black box including a unique public / private key pair for performing the decryption.

B19

124. (Once Amended) The medium of claim [119] 106 wherein the method comprises receiving and storing at least one digital license in response to a license request from the DRM system, the license request including a version number of the black box, the license server determining prior to issuance of the license whether the version number of the black box is acceptable.

125. (Once Amended) The medium of claim [118] 106 wherein the method comprises receiving and storing at least one digital license including a description of the rights conferred by the license, the method further comprising

evaluating by a trusted license evaluator of the DRM system the rights description and allowing rendering of the digital content by the rendering application only if such rendering is in accordance with the rights description of the license.

126. (Once Amended) A method for implementing digital rights management, wherein the method enforces rights in protected digital content, the method comprising:

receiving the distributed digital content at the computing device;
attempting to render the digital content by way of a rendering application;
invoking, by the rendering application, a Digital Rights Management (DRM) system upon such rendering application attempting to render the digital content;

determining, by the DRM system, whether a right to render the digital content in the manner sought exists based on any digital license stored in the computing device and corresponding to the digital content; and

if the right does not exist:
requesting from a license server a digital license that provides such right and that corresponds to and is separate from the digital content;
receiving, by the computing device, the issued digital license corresponding to the digital content from the license server; and

b1a

Contd

storing the received digital license on the computing device,
the method further comprising employing a trusted black box in the
DRM system to perform decryption and encryption functions for such DRM system,
wherein the black box includes a public / private key pair, and
wherein requesting the digital license comprises including in the request the black box
public key, wherein the license server encrypts at least a portion of the digital license
according to the black box public key prior to issuance of such license, thereby binding
such license to such black box.

b2D

138. (Once Amended) The method of claim [137] 126 comprising
receiving the digital content in an encrypted form and receiving the digital license
including a decryption key that decrypts the encrypted digital content, the decryption
key being encrypted according to the black box public key.

b2

140. (Once Amended) The method of claim [136] 126 wherein the
black box includes a certifying authority signature as provided by an approved certifying
authority, and wherein requesting a digital license comprises including the certifying
authority signature, the license server determining prior to issuance of the license
whether the certifying authority signature is valid.

141. (Once Amended) The method of claim [136] 126 wherein the

DOCKET NO.: MSFT-0035 / 127334.1

PATENT

issued digital license includes a description of the rights conferred by the license, and
further comprising:

evaluating, by a trusted license evaluator of the DRM system, the
rights description; and

allowing rendering of the digital content by the rendering
application only if such rendering is in accordance with the rights description of the
license.
